

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AARON ANTONY BRADFORD,

Plaintiff,

v.

UNKNOWN FINCH, et al.,

Defendants.

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No. 4:21-cv-00142-MTS

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On June 4, 2021, the Court reviewed plaintiff's complaint pursuant to 28 U.S.C. § 1915. Doc. [6]. Based on that review, the Court directed the Clerk of Court to issue process on defendant Unknown Finch in his individual capacity as to plaintiff's excessive force claim, and on defendant Unknown Wright in his individual capacity as to plaintiff's failure to intervene claim.

Service was attempted by the United States Marshals Service (USMS) at the St. Louis County Department of Justice Services, where plaintiff alleged that defendants were employed. On June 29, 2021, the summonses were returned unexecuted. As to defendant Wright, the return of summons included the notation that "[t]he director stated they did not have the ability to locate an employee by the name Unknown Wright." Doc. [11 at 1]. With regard to defendant Finch, the return of summons included the notation that "[t]he director could not locate an employee by the name Unknown Finch." Doc. [12 at 1].

In cases where a pro se litigant is proceeding in forma pauperis, "[t]he officers of the court shall issue and serve all process." 28 U.S.C. § 1915(d). This provision is compulsory. *Moore v. Jackson*, 123 F.3d 1082, 1085 (8th Cir. 1997). As such, a litigant proceeding in forma pauperis is entitled to rely on service by the USMS. *See Wright v. First Student, Inc.*, 710 F.3d 782, 783 (8th

Cir. 2013). Once an in forma pauperis plaintiff has taken reasonable steps to identify the defendants, the court must issue plaintiff's process to the USMS, who must then effectuate service. *Id.* However, it is plaintiff's responsibility to provide the information necessary for service on the defendants. *See Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993) (affirming dismissal of defendants for whom plaintiff did not "provide proper addresses for service"). *See also Beyer v. Pulaski Cty. Jail*, 589 Fed. Appx. 798, 799 (8th Cir. 2014) (stating that "a plaintiff bears the burden of providing proper service information").

In this case, plaintiff provided the address of defendants' purported employer. The Court directed the USMS to issue process on defendants at that location. The USMS attempted to effectuate service there, but was advised that no employees by the name of Wright or Finch could be located.

As noted above, an in forma pauperis litigant is entitled to rely on service by the USMS. To that end, the USMS has attempted to serve defendants at the St. Louis County Department of Justice Services, only to be advised by the director that no employees going by the name Wright or Finch could be located there.

Plaintiff bears the responsibility of providing adequate information so that defendants can be served. Therefore, plaintiff will be given **thirty (30) days** from the date of this order in which to provide adequate information regarding either the names or addresses of defendants Unknown Wright and Unknown Finch so that service can be effectuated.

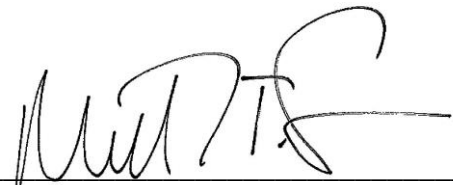
If plaintiff cannot provide **additional** information regarding defendants to effectuate service, defendants will be dismissed from this action without prejudice. *See Fed. R. Civ. P. 4(m)*. Failure to comply within **thirty (30) days** will also result in the dismissal of this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that within **thirty (30) days** of the date of this order, plaintiff shall provide adequate information with which to serve defendants Unknown Wright and Unknown Finch.

IT IS FURTHER ORDERED that plaintiff's failure to timely provide adequate information as to defendants Unknown Wright and Unknown Finch will result in their dismissal from this case without prejudice.

Dated this 13th day of July, 2021.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE